

Amendment and Response
Applicants: William B. Dawson et al.
Serial Number: 10/668,796

Attorney Docket: KEY1028USC2

REMARKS

Claims 1, 8, 9, 14, 15 and 19 are pending in this application. Claims 1, 9, 14 and 19 have been amended, support for which can be found generally throughout the specification and specifically in the drawings.

Claims 14 and 15 have been withdrawn from consideration. Claims 1, 8, 9, and 19 will be pending and under examination after entry of this amendment.

Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 1 and 9 under 35 U.S.C. 112, second paragraph because the new limitations of “the first ledge extending outward from the first side...the second ledge extending outward from the second side” were held to be indefinite. The Examiner stated that “the ledges appear to extend outwardly from the first and second upper faces, not the first and second sides” and that “the ledges are parts of the first and second sides, and a structure cannot extend outwardly from itself”. Applicants have amended claims 1, 9 and 14 to require that a first ledge extends outwardly from a first upper face and a second ledge extends outwardly from a second upper face. Accordingly, Applicants request that this ground of rejection be withdrawn.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 8, 9 and 19 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,086,327 to Samuel et al. (Samuel).

Applicants respectfully traverse this rejection of the claims. Although Applicants disagree with the Examiner, the claims have been amended to clarify the subject matter of the claims. Claims 1, 9 and 19 have been amended to recite that the first and second ends are substantially planar. In Samuel, the ends of the refractory unit as disclosed, in accordance with the interpretation of the Examiner when referenced to Applicants' application, are not substantially

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planar. For example, the end of the block disclosed in FIG. 11 includes a portion or space not covered by part 54 (which appears substantially co-planar with structure the Examiner identifies as the first and second ledges) which is not planar with end portion 44. Accordingly, Samuel does not teach or suggest a landscaping block having sides comprising only one ledge and substantially planar ends as recited in the pending claims. Claim 8 depends from claim 1 and thus is believed to be allowable for the reasons stated above. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

The Examiner rejected claims 1, 8, 9 and 19 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,627,764 to Scheiwiller.

Applicants respectfully traverse this rejection of the claims. Although Applicants disagree with the Examiner, the claims have been amended to clarify the subject matter of the claims. Claims 1, 9 and 19 have been amended to recite that the first and second ends are substantially planar. In Scheiwiller the ends of the paving stone as described are not substantially planar. Accordingly, Scheiwiller does not teach or suggest a landscaping block having sides comprising only one ledge and substantially planar ends as recited in the pending claims. Claim 8 depends from claim 1 and thus is believed to be allowable for the reasons stated above. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

In view of the above amendments and remarks, Applicants respectfully request that the Examiner withdraw the rejection of the claims.

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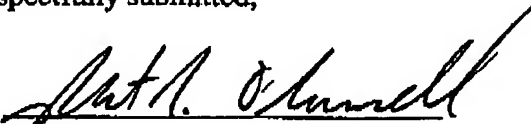
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Respectfully submitted,

Date: June 7, 2006

By



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